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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/052,282

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Tatsuya Yoshikawa

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EXAMINER

BROWN, VERNAL U

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/052,282	Applicant(s) YOSHIKAWA ET AL.	
	Examiner Vernal U. Brown	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4,16,20,21 and 42-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 2,4,16,20,21,4-44,47-49 is/are rejected.
- 7) ☐ Claim(s) 45 and 46 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to communication filed on July 18, 2006.

Response to Amendment

The examiner has acknowledged the amended claims 2, 16, 20, 42 and the addition of claims 45-49.

Response to Arguments

Applicant's arguments filed July 18, 2006 have been fully considered but they are not persuasive.

Regarding applicant's argument that the reference of Ashwin does not teach the storing of history information of action of a person between a reference starting point and a reference ending point, it is the examiner's position that Ashwin teaches providing service depending on the history information associated with the user, the examiner considers the authorization previously granted to the individual for the removal of items (col. 5 lines 31-37) as the history information. History information inherently includes a reference start time and a reference end time. Ashwin also teaches storing history information such as credit card transaction (col. 6 lines 41-49) and credit card transaction generally has data associated with the transaction history.

Regarding applicant's argument regarding the reference of Francis, the reference of Francis is not relied upon for teaching determination of positional information using a time difference between a first time when the request was send and a second time when the request was received.. The reference of Gordon is relied upon for teaching determination of positional information using the time difference between the transmitted and received signal (col. 1 lines 25-35).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2, 4, 16, 42, and 47-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Ashwin US Patent 6,232,877.

Regarding claims 2, 16, and 47-49 Ashwin teaches method for operating a service device (24) to provide a service (access control) comprising:

detecting a request which is generated by the transmitting of information to the reading device (col. 4 lines 43-47) from a requesting device (12) to provide said service; obtaining peripheral information relating to one or more peripheral devices (col. 4 lines 28-33), said peripheral devices (16) inherently being within a predetermined distance of the service device because the communication between the service device and the peripheral device is RF communication (col. 2 lines 57-59) which is effective over predetermined range. Ashwin also teaches providing service depending on the history information associated with the user, the examiner considers the authorization previously granted to the individual for the removal of items (col. 5 lines 31-37) as the history information. History information inherently includes a reference start time and a reference end time. Ashwin also teaches storing history information

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such as credit card transaction (col. 6 lines 41-49). The examiner position on the history information is also consistent with the applicant description of history information in paragraph 035 of the applicant's specification that include the data that is used to grant access as the history information.

Regarding claim 4, Ashwin teaches the peripheral information includes information relating to whether the peripheral device is within a predetermined distance of the service device because the communication between the service device and the peripheral device is RF communication (col. 2 lines 57-59) and RF communication is effective over predetermined range.

Regarding claim 42, Ashwin teaches obtaining information from the peripheral device 16 (col. 4 lines 60-64).

Regarding claims 43-44, Ashwin teaches history information include status of the asset been moved and the borrowing is indicated by the asset been move from one zone to the other (col. 5 lines 31-37).

Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ashwin US Patent 6,232,877 in view of Francis et al. US Patent 6600418 and further in view of Gordon et al. US Patent 6567486.

Regarding claim 20, Ashwin teaches method for operating a service device (24) to provide a service (access control) comprising:

detecting a request which is generated by the transmitting of information to the reading device (col. 4 lines 43-47) from a requesting device (12) to provide said service; obtaining

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peripheral information relating to one or more peripheral devices (col. 4 lines 28-33), said peripheral devices (16) inherently being within a predetermined distance of the service device because the communication between the service device and the peripheral device is RF communication (col. 2 lines 57-59) which is effective over predetermined range. Ashwin is silent on teaching obtaining second peripheral information relating to position of the peripheral device relative to the service device and the positional information is determined using a time difference between a first time at which the request was sent and a second time at which the request was received. Francis et al. in an art related object-tracking system using radio frequency tag teaches a plurality of tags (130, 140, 150) providing peripheral information such as identification and location information (col. 7 lines 15-20, col. 7 lines 42-50) in order to provide tracking information to the object monitoring system and is also silent on teaching the positional information is determined using a time difference between a first time at which the request was sent and a second time at which the request was received. One skilled in the art recognizes the determination of positional information using the time difference between the transmitted and received signal is a conventional practice and is evidenced by Gordon et al. (col. 1 lines 25-35) in order to determine the location of a mobile transmitter.

It would have been obvious to one of ordinary skill in the art for the peripheral information includes information relating to position of the peripheral device and the positional information is determined using a time difference between a first time at which the request was sent and a second time at which the request was received in Ashwin as evidenced by Francis et al. in view of Gordon et al. because Ashwin suggests obtaining information from the peripheral device and Francis et al. teaches a peripheral device providing identification information

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including positional information and one skilled in the art recognizes that the determination of positional information using the time difference between the transmitted and received signal is a conventional practice and is evidenced by Gordon et al. in order to determine the location of a mobile transmitter.

Regarding claim 21, Ashwin teaches a tag providing peripheral information that is used for identification purposes devices (col. 4 lines 28-33) but is silent on teaching obtaining second peripheral information relating to position of the peripheral device relative to the service device. Francis et al. in an art related object-tracking system using radio frequency tag teaches a plurality of tags (130, 140, 150) providing peripheral information such as identification and location information (col. 7 lines 15-20, col. 7 lines 42-50) in order to provide tracking information to the object monitoring system.

It would have been obvious to one of ordinary skill in the art for the peripheral information includes second peripheral information relating to position of the peripheral device relative to the service device in Ashwin as evidenced by Francis et al. because Ashwin suggests a peripheral device in the form of a tag providing identification information and Francis et al. teaches a plurality of tags providing peripheral identification and location information in order to track an object.

Allowable Subject Matter

Claims 45-46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The prior art of record fail to teach or suggests obtaining a first access level based on peripheral information and obtaining a second access level based on history information and comparing the first and second access level.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Vernal Brown
September 30, 2006



BRIAN ZIMMERMAN
PRIMARY EXAMINER